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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,652	11/24/2003	Xaver Bachmeir	4100-332	8792
27799	7590	08/31/2004	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE			WILLIAMS, KEVIN D	
551 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 1210				2854
NEW YORK, NY 10176				

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/723,652	BACHMEIR, XAVER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin D. Williams	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 7 is/are rejected.
- 7) Claim(s) 5,6 and 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/24/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Objections***

1. Claims 4-8 are objected to because of the following informalities:

Claims 1-3 are directed to “a positioning apparatus.” It seems that in the first line of claims 4-8, “device” should be --apparatus--.

In claim 1, line 8, the limitation “functional device” lacks proper antecedent basis.

This limitation also lacks proper antecedent basis in a second recitation in line 8 of claim 1 and in other claims.

In claim 8, line 1, the limitation “functional unit” lacks proper antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubke (US 5,109,768) in view of Gottling (US 6,502,509).

Lubke teaches a positioning apparatus comprising impression cylinders mounted to at least one side wall, at least one guide unit (Fig. 3) for guiding a functional apparatus 16 substantially vertically, a drive 27 for displacing the functional apparatus

substantially vertically, weight compensation means 31 for at least partially relieving the drive of the weight of the functional device as the functional device is displaced substantially vertically, said weight compensation means comprising at least one of a prestressed spring, a pneumatic cylinder 31, and a counterweight, said drive comprising one of a rack/pinion and a spindle/nut 14, and a slipping clutch (col. 3, lines 45-56) provided at one of said pinion and said spindle/nut for limiting the drive force.

Lubke does not teach at least one guide unit for guiding the functional apparatus substantially horizontally, a drive for displacing the functional apparatus substantially horizontally, two guide units for each of said vertical and horizontal displacements, said drives each comprising a common shaft which extends to two mechanism arrangements, where each mechanism arrangement engages a respective said guide unit.

Gottling teaches at least one guide unit 8 for guiding the functional apparatus substantially horizontally (arrow A), a drive (col. 2, lines 46-48) for displacing the functional apparatus substantially horizontally, two guide units (Fig. 1; one for each cylinder) for each of said vertical and horizontal displacements, said drives each comprising a common shaft 10 which extends to two mechanism arrangements, where each mechanism arrangement engages a respective said guide unit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lubke to have the horizontal guide unit as taught by Gottling, in order to conveniently and accurately adjust the lateral register of the cylinder.

Art Unit: 2854

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lubke to have the two guide units as taught by Gottling, in order to allow all of the cylinders of the press to be adjustable, thereby increasing the accuracy of the register of each cylinder.

***Allowable Subject Matter***

4. Claims 5, 6, and 8 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claim 5 is the limitation of means for moving the impression cylinders linearly with respect to the plane of said side wall and means for electronically synchronizing the positioning device with the linear movement of the impression cylinders, in combination with the other claimed structure. The preamble of claim 5 seems to be inconsistent with the body of the claim. Claim 5 is drawn to a positioning device for functional devices; however, the body of the claim contains limitations directed to a means for moving the impression cylinders. Because the limitation directed to the means for moving the impression cylinders is positively claimed, the examiner has considered the limitation a position part of the claimed invention.

The primary reason for the indication of the allowability of claim 6 is the limitation of sensors on the positioning device for recording at least one of the drive force and the

distance to other positioning devices, and means for limiting the drive force in response to signals from said sensors, in combination with the other claimed structure.

The primary reason for the indication of the allowability of claim 8 is the limitation of a first shaft drive by said motor via a belt drive, a worm driven by said first shaft via a bevel gear, a pinion shaft driven by said worm via a worm geared fixed to said pinion shaft, and a pinion fixed to said pinion shaft and interacting with said rack, said weight compensation means comprises at least one spring provided on said pinion shaft, said spring being prestressed during downward displacement of said functional unit and being unstressed to form potential energy during upward displacement of said functional unit, in combination with said other claimed structure.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571) 272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

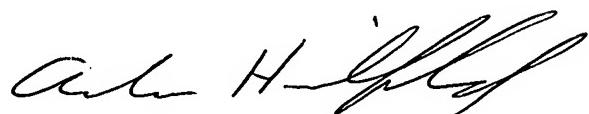
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW  
August 23, 2004



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800